

use which are necessary to protect the environment, insure the public safety, and minimize conflict among users.

(g) Negotiate cooperative agreements, when appropriate, with State or local governments for the enforcement of laws and regulations relating to ORV use.

(h) Coordinate ORV use, projects, activities, designated ORV areas, and all related matters, with the installation environmental committee and environmental office.

§ 656.7 Environmental considerations.

The environmental and related impacts of ORV use will be assessed in accordance with AR 200-1. Coordination with adjacent private and public landowners and managers will be included in the assessment process.

§ 656.8 Guidelines and criteria for evaluation and utilization of Army lands for off-road vehicle use.

(a) *Designation.* (1) Army lands may be designated for one or more types of ORV use in response to a demonstrated need providing there is sufficient suitable area available.

(2) Lands which may not be designated for one or more types of ORV use are:

(i) Areas restricted for security or safety purposes, such as explosive ordnance impact areas.

(ii) Areas containing geological and soil conditions, flora or fauna or other natural characteristics of fragile or unique nature which would be subject to excessive or irreversible damage by use of ORV's

(iii) Areas where the use by a type or types of ORV would cause unequivocal and irreversible damage or destruction as a result of such use; provided, however, that types of ORV not causing such damage or destruction may be permitted to use such areas.

(iv) Areas which are key fish and wildlife habitat as identified under environmental considerations § 656.8(c) (5) of this part.

(v) Areas which contain archeological, historical, petroglyphic, pictographic, or paleontological values; or which constitute de facto wilderness or scenic areas; or in which noise would

adversely affect other uses and wildlife resources.

(vi) Areas in or adjacent to outdoor recreation areas where noise or vehicle emissions would be an irritant to users of the outdoor recreation area.

(vii) Noise sensitive areas such as housing, schools, churches or areas where noise or vehicular emissions would be an irritant to inhabitants.

(viii) Areas or trails set aside for horses and their recreational use.

(3) *Site designation.* Before designating such sites, the capabilities of the ecological factors should first be ascertained in order to determine carrying capacities.

(i) *Area designation.* Area designation offers a greater freedom of movement and is probably preferred by users over trail designation. However, area designation may result in greater environmental damage and cause conflicts with other uses. Therefore, great care must be exercised in designating suitable sites for area use.

(ii) *Trail designation.* Restrictions to designated trails probably constitute a compromise for most ORV users. However, this method is more compatible with the objective of this regulation. Therefore, when it is practicable to designate existing or proposed trails for use of ORV's without environmental despoilment, preference should be given to designating these sites. Trails currently used for hiking, bicycling, or horseback riding will not be designated for concurrent ORV use.

(iii) Use classification.

(A) Areas and trails should be classified as:

(1) Generally open to public with access controlled within manageable quotas, or

(2) Closed to the public.

(B) Where use of ORV's by installation personnel is permitted, exclusions of the public may not be justifiable except under the most compelling conditions.

(b) Zone of use areas and trails shall be located to minimize:

(1) Damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Harassment of wildlife or significant disruption of wildlife habitat.

(3) Conflicts between ORV use and other existing or proposed recreational uses on the same or neighboring lands.

(4) Damage to overhead or underground utility distribution lines.

(c) Environmental Consideration (AR 200-1). Prior to designating areas or trails for use by a type or types of ORV's, consideration will be given to the possible traumatic effects on the environment by each type of ORV. Such considerations should not be limited to the proposed sites to be designated for ORV use. Some factors to consider are the effects of:

(1) Dust from the use of ORV's and emissions from internal combustion engines or air quality.

(2) Siltation in streams or other bodies of water which may result from soil erosion created by ORV's.

(3) Soil erodability and soil compaction.

(4) Impact on native and desirable species of plants with special consideration given to those species listed as threatened or endangered.

(5) Impact on wildlife, their breeding and drumming grounds, winter feeding and yarding area, migration routes, and nesting areas. Also, the effects of such use on the spawning, migration, and feeding habits of fish and other aquatic organisms, with particular attention given to the effects on fish and wildlife species classified as threatened or endangered.

(6) Excessive noise on humans and wildlife.

(7) Potential despoilment of aesthetic values or visual characteristics of the sites.

(d) *Operating criteria.* (1) Off-road vehicles shall not be operated:

(i) In a reckless, careless or negligent manner;

(ii) In excess of established speed limits;

(iii) While the operator is under the influence of alcohol, harmful drugs, or narcotics. As a condition for the privilege of operating off-road vehicles on Army lands, owners and operators of such consent to submit to a test of their blood, breath, or urine for the purpose of determining the alcoholic content of their blood if cited or lawfully apprehended for any offense allegedly committed while driving or in ac-

tual physical control of an off-road vehicle on the installation while under the influence of intoxicating liquor. Failure to submit to or complete such test will result in revocation of the use permit for a period of 6 months (see AR 190-5).

(iv) In a manner likely to cause excessive damage or disturbance of the land, wildlife, or vegetative resources.

(v) From sunset to sunrise without lighted headlights and taillights.

(2) All off-road vehicles must conform to applicable State laws, including those with respect to pollutant emissions, noise and registration requirements.

(3) No persons may operate an ORV on Army lands without a valid operator's license or learner's permit where required by State or Federal law. Unless contrary to State or Federal law, persons under the age required for licensing may operate an ORV on Army lands providing they are at least 10 years of age and are under the direct supervision of an individual 18 years of age or older who has a valid operator's license when required by State or Federal law, and who is responsible for the acts of that person.

(4) No ORV's may operate on Army land unless equipped with brakes in good working condition.

(5) Every ORV shall at all times be equipped with a muffler in good working order which cannot be removed or otherwise altered while the vehicle is being operated on Army lands. To prevent excessive or unusual noise, no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle. A vehicle that produces unusual or excessive noise or visible pollutants is prohibited.

(6) The carrying of firearms or other hunting instruments on any ORV will be in accordance with applicable State or Federal laws and regulations.

(7) All ORV operators and passengers will be encouraged to wear safety helmets with face shields affixed.

(8) ORV's when operating off established road and parking areas not covered by ice, snow or water shall be equipped with a properly installed spark arrester that meets standard 5100-1a of the U.S. Forest Service, Department of Agriculture. This standard

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includes the requirements that such spark arrester shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and that such spark arrester has been warranted by its manufacturer as meeting these efficiency requirements for at least 1,000 hours, subject to nor-

mal use, with maintenance and mounting in accordance with the manufacturer's recommendations.

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